



OLR RESEARCH REPORT

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BOARDS OF EDUCATION AND EMINENT DOMAIN

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You asked us to survey Connecticut boards of education about their use of eminent domain for school projects in the last five years. Specifically, you wanted to know whether boards took residential property by eminent domain; whether the property owners contested a board's offer of compensation in court; and, for each court case, whether the court awarded different compensation than the board offered.

The law allows boards of education to take property by eminent domain for school projects (CGS § [10-241a](#)). In doing so, the board must seek town approval and follow the eminent domain procedures set out for redevelopment projects (see CGS § [8-129](#) et seq.). According to these procedures, the board must offer a property owner compensation for property taken by eminent domain, the owner can ask a court to review the board's offer of compensation, and the court can order a different amount.

We surveyed the state's 165 boards of education. Within the limited time available to us, we received responses from 59 or 36%. These boards come from most parts of the state but most represent smaller or medium size districts.

For these responding boards, only five reported conducting a project between 2007 and 2011 that required the board to acquire property. The five boards reported a total of six projects during this time period, only

three of which required the board to use its eminent domain authority. Waterbury reported taking six private residences by eminent domain, four of the owners contested the compensation for their property, and in all four cases the court awarded the owners the same amount that the board had offered as compensation.

Table 1 displays the survey results for the towns that reported conducting projects that required the board to acquire property in the last five years.

Table 1: Boards Reporting Projects Involving Property Acquisition and Use of Eminent Domain from 2007 to 2011

Board	Number of Projects Requiring Property Acquisition	Number of Projects Requiring Use of Eminent Domain	Number of Private Residences Taken by Eminent Domain	Number of Residential Property Owners who Contested Compensation in Court	Outcome of Court Action by Residence Owner
Regional School District 7 (Barkhamsted, Colebrook, New Hartford, Norfolk)	1	1*	0	0	N/A
Regional School District 16 (Beacon Falls, Prospect)	1	0	0	0	N/A
Thomaston	1	0	0	0	N/A
Waterbury	2	2	6	4	Court awarded same amount as board offered in all four cases
Windham	1	0	0	0	N/A

* Board took farm property by eminent domain, the owner contested compensation in court, and the court awarded less than the board's offer of compensation.

Table 2 lists the 54 boards of education that responded to our survey and reported no projects requiring property acquisition, by eminent domain or otherwise, from 2007 to 2011.

**Table 2: Boards of Education Reporting No Projects Requiring
Property Acquisition from 2007 to 2011**

Ansonia	Ledyard	Regional School District 12 (Bridgewater, Roxbury, Washington)
Barkhamsted	Litchfield	Regional School District 13 (Durham, Middlefield)
Berlin	Madison	Regional School District 19 (Ashford, Mansfield, Willington)
Bethany	Manchester	Scotland
Bethel	Mansfield	Seymour
Cheshire	Middletown	Sherman
Colchester	Milford	Simsbury
Darien	Montville	Stafford
East Haddam	New Fairfield	Tolland
East Hartford	New London	Torrington
East Lyme	Newtown	Trumbull
Eastford	Norfolk	Voluntown
Enfield	North Branford	Waterford
Fairfield	North Stonington	West Hartford
Farmington	Norwich	Westbrook
Granby	Putnam	Willington
Greenwich	Regional School District 8 (Andover, Hebron, Marlborough)	Wilton
Groton	Regional School District 10 (Burlington, Harwinton)	Wolcott

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